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APPENDIX VIII.

[Vide answer to question No. 215 asked by Mr. Basheer Ahmed Sayeed at the meeting of the Legislative Council, held on the 31st October 1933, page 178 supra.]

G.O. Ms. No. 2966, Law (General), dated 5th September 1933.

READ—the following papers:—

From the Registrar, High Court, dated 23rd April 1931, R.O.C. No. 765/31-B-2.

From the Accountant-General, dated 21st May 1931, No. G.A. Judl, 162.

From the Registrar, High Court, dated 11th November 1931, R.O.C. No. 765/31.

Letter to the hon. the Chief Justice, High Court, dated 14th November 1932, No. 2114/B-15.

From the Registrar, High Court, dated 8th December 1932, R.O.C. No. 765/31-B-2.

Order—Ms. No. 2966, *Law* (*General*), *dated* 5*th September* 1933.

It was brought to the notice of the Government by the hon. the Judges that under the audit instructions under Fundamental Rule 13, the Accountant-General objected to the suspension of the lien of certain officiating Sub-Judges and the provisional confirmation of acting District Munsifs in consequence, ordered by the High Court in its proceedings, dated the 12th January 1931, on the ground that the suspension of the liens of Sub-Judges would be permissible only if there was in every case a temporary post sanctioned to last for three years from the date from which the arrangement was ordered. The hon. the Judges stated that if the conditions imposed by the Accountant-General were to be satisfied, the concession extended to judicial officers in G.O. No. 599, Law (General), dated the 21st February 1924, would be reduced to a nullity and there would be serious hardship to the acting District Munsifs concerned and requested the Government to declare that in all cases of temporary Sub-Judges' posts lasting over three years, the suspension of lien should be with retrospective effect from the expiry of the three years' period.

2. After careful consideration, the Government came to the conclusion that the proposal referred to above would not be in consonance with the Fundamental Rules which were of general application, that no executive orders or sub-rules could be issued to override the main

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rules so as to cover the practice followed by the High Court regarding the provisional confirmation of District Munsifs and that the Accountant-General's ruling should be acting on. An intimation to this effect was made to the hon. the Judges in letter No. 2114/B/31-15, Law (General), dated the 14th November 1932. At the same time the opinion of the hon. the Judges was requested on a suggestion that with a view to mitigating as far as possible the hardship caused by the audit ruling, the 12 District Munsifs referred to by them (Nos. 12 to 23 in the list) might be granted increment with effect from the date of their completing five years' service. The hon. the Judges were also requested to state whether they would agree to restrict the concession only to these District Munsifs.

3. The hon. the Judges observed in their letter R.O.C. No. 765/31-B-2, dated 8th December 1932, that the position had changed since their original proposals were formulated, as there was already a number of vacancies in which acting District Munsifs could be confirmed. They stated that if the Accountant-General's ruling were accepted by Government, it would be necessary to extend the concession to sixteen acting District Munsifs who had all completed their probation by 15th August 1931. They remarked however that the normal number of temporary Sub-Courts in existence was not less than seven and that, if an addition of that number was made to the cadre of Sub-Judges, additional vacancies in the District Munsifs' cadre would be available, which would considerably reduce the number of District Munsifs to whom the proposed concession would have to be extended. In effect they recommended that the concession might be extended to acting District Munsifs Nos. 1 to 37 in the List of Gazetted Officers of the Judicial Department corrected up to the 1st April 1931.

4. The Government have carefully considered the further suggestions of the hon. the Judges but they regret that they are unable to sanction the temporary additions to the cadre of Sub-Judges. As regards the grant of increments to the acting District Munsifs, the Government are pleased to agree, in the circumstances stated by the hon. the Judges, to their recommendation to permit the acting District Munsifs Nos. 1 to 22 and 24 to 37 in the list referred to above who have completed their period of probation by 15th August 1931 to draw increment from the date of their completing five years' service.

(By order of the Governor in Council)

V. N. VISWANATHA RAO,
Secretary to Government.

To the hon. the Chief Justice (with C.L.).
,, Accountant-General, through Finance.
,, Finance Department.